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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,418	12/14/2001	Douglas J. Bradley	10541-794	6340

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EXAMINER

THOMPSON, KENNETH L

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/017,418

Applicant(s)

BRADLEY ET AL.

Examiner

Kenn Thompson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-13, 16, 17 and 40-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-13, 16, 17 and 40-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) g 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 9-13, 16, 17 and 40-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Obeshaw, U.S. 6,586,110.

Regarding claim 9, Obeshaw discloses in figures 1-9 a composite drive shaft. Obeshaw discloses a plurality of discrete elongated stiffening mold members (fig 8, 26). Obeshaw discloses the elongated stiffening mold members (26) arranged parallel to a central axis wherein the elongated stiffening mold members extend longitudinally through the full length of the composite drive shaft (2). Obeshaw discloses composite fibrous material (22) extending around the elongated stiffening mold members in a cylindrical shape to hold the elongated stiffening mold members in place (col. 11, lines 36-41; see also col. 12, lines 16-41).

As to claim 10, Obeshaw discloses the elongated stiffening mold members have a trapezoidal cross-section (col. 12, lines 16-27). Applicant should note that a change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

As to claim 11, Obeshaw discloses the elongated stiffening mold members have a T shaped cross-section (col. 12, lines 16-27). Applicant should note that a change in the shape of

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a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

As to claim 12, Obeshaw discloses the elongated stiffening mold members have a circular shape (col. 12, lines 16-27). Applicant should note that a change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

As to claim 13, Obeshaw discloses the elongated stiffening mold members (26) are removable to leave structural voids (6).

As to claim 16, Obeshaw discloses the structural voids (6) extend longitudinally through the full length of the composite drive shaft (col. 14, lines 1-15).

As to claim 17, Obeshaw discloses the structural voids (6) extend longitudinally through a portion of the length of the composite drive shaft (col. 14, lines 1-15).

Regarding claim 40, Obeshaw discloses in figures 1-9 a composite drive shaft. Obeshaw discloses a plurality of discrete elongated stiffening mold members (fig 8, 26). Obeshaw discloses the elongated stiffening mold members (26) arranged parallel to a central axis wherein the elongated stiffening mold members extend longitudinally through a portion of the length of the composite drive shaft (2). Obeshaw discloses composite fibrous material (22) extending around the elongated stiffening mold members in a cylindrical shape to hold the elongated stiffening mold members in place (col. 11, lines 36-41; see also col. 12, lines 16-41).

As to claim 41, Obeshaw discloses the elongated stiffening mold members have a trapezoidal cross-section (col. 12, lines 16-27). Applicant should note that a change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

As to claim 42, Obeshaw discloses the elongated stiffening mold members have a T shaped cross-section (col. 12, lines 16-27). Applicant should note that a change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

As to claim 43, Obeshaw discloses the elongated stiffening mold members have a circular shape (col. 12, lines 16-27). Applicant should note that a change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

As to claim 44, Obeshaw discloses the elongated stiffening mold members (26) are removable to leave structural voids (6).

As to claim 45, Obeshaw discloses the structural voids (6) extend longitudinally through a portion of the length of the composite drive shaft (col. 14, lines 1-15).

Claims 40 and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Breese et al., U.S. 6,368,225.

As to claim 40, Breese et al. discloses in figures 1-4 a composite drive shaft. Breese et al. discloses a plurality of discrete elongated stiffening mold members (40). Breese et al. discloses the elongated stiffening mold members arranged parallel to a central axis. Breese et al. discloses the elongated stiffening mold members extend longitudinally through a portion of the length of the composite drive shaft (18). Breese et al. discloses a composite fibrous material (28; col. 3, lines 28-32) extending around said elongated stiffening mold members (40) in a cylindrical shape to hold said elongated stiffening mold members in place.

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As to claim 43, Breese et al. discloses the elongated stiffening mold members have a circular shape.

Allowable Subject Matter

The indicated allowability of claims 15 and 16 is withdrawn.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenn Thompson whose telephone number is 703 306-5760. The examiner can normally be reached on 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on 703 308-1159. The fax phone number for the organization where this application or proceeding is assigned is 703 872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-2168.

KT
November 12, 2003


Lynne H. Browne
Supervisory Patent Examiner
Group 3600